

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

MARY K. EDELMANN,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:10-CV-561-Y
	§	
JOE KEFFER, Warden,	§	
FMC-Carswell,	§	
Respondent.	§	

ORDER ADOPTING  
MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Mary K. Edelman under 28 U.S.C. § 2241, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 17, 2011; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 26, 2011.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled,<sup>1</sup> and the petition for writ

---

<sup>1</sup>Edelman argues that she entered a plea agreement to "honest services" wire fraud. Of course, this is not the case. Edelman entered a plea agreement to plead guilty to wire fraud in violation of 18 U.S.C. § 1343, the elements of which were listed in her plea agreement as:

*One*, the defendant voluntarily and intentionally devised a scheme to defraud another out of money by means of false representations or promises;

*Two*, the defendant did so with the intent to defraud;

*Three*, it was reasonably foreseeable that interstate or foreign wire communications would be used; and

*Four*, interstate or foreign wire communications were used in furtherance of some essential step in the scheme.


*United States v. Edelman*, No.4:04-CR-228-BRW (E.D. Ark. November 9, 2004)(Plea Agreement dated November 9, 2004, signed by Edelman.) This Court takes judicial notice of the records of the United States District Court for the Eastern District of Arkansas in case number 4:04-CR-228-BRW. See Fed. R. Evid. 201(1)(b).

of habeas corpus under 28 U.S.C. § 2241 should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Mary K. Edelmann's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DISMISSED for lack of jurisdiction.<sup>2</sup>

SIGNED September 7, 2011.

  
TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

---

<sup>2</sup>This Court previously dismissed Edelmann's petition under 28 U.S.C. § 2241 challenging a separate conviction in the United States District Court for the Eastern District of Arkansas in case number 4:02-CR-128-GH. See *Edelmann v. United States*, No. 4:10-CV-531-Y, 2011 WL 2517273, at \*1-4 (N.D. Tex. June 24, 2011).